

**APPROVED MINUTES
SUNNYVALE CITY COUNCIL
TUESDAY, SEPTEMBER 16, 2008**

(Special Council Meetings (Closed Sessions) held immediately following the Council meeting)

5 P.M. SPECIAL COUNCIL MEETINGS -

(Study Session) - Housing Strategy and **(Closed Session)** - Conference with Real Property Negotiator, pursuant to Government Code 54956.8. Properties: Onizuka Air Force Station. Negotiating Parties: Amy Chan (City); Department of Defense. Under Negotiation: Method of Conveyance of Surplus Federal Property; Price and Terms of Payment

7 P.M. COUNCIL MEETING

SALUTE TO THE FLAG

Mayor Spitaleri led the salute to the flag.

ROLL CALL

PRESENT:

Mayor Anthony Spitaleri
Vice Mayor Melinda Hamilton
Councilmember John Howe
Councilmember Otto Lee
Councilmember Ron Swegles
Councilmember Christopher Moylan
Councilmember David Whittum

ABSENT:

None

STAFF PRESENT:

City Manager Amy Chan
Assistant City Manager Robert Walker
City Attorney David Kahn
Director of Community Development Hanson Hom
Intergovernmental Relations Officer Yvette Agredano
City Clerk Gail Borkowski

CLOSED SESSION REPORT

Vice Mayor Hamilton reported Council met in Closed Session on September 16, 2008 pertaining to: Conference with Real Property Negotiator, pursuant to Government Code 54956.8. Properties: Onizuka Air Force Station. Negotiating Parties: Amy Chan (City); Department of Defense. Under Negotiation: Method of Conveyance of Surplus Federal Property; Price and Terms of Payment.

Vice Mayor Hamilton reported no direction was given and no action was taken.

PUBLIC ANNOUNCEMENTS

Vice Mayor Hamilton announced continuous recruitment of the City's Boards and Commissions.

Councilmember Howe announced that the Kiwanis Club of Silicon Valley will be holding their Annual Texas Hold'em Poker Night on October 4, 2008.

**Approved as revised by Council at the September 30, 2008 Council Meeting*

Mayor Spitaleri announced that the Sunnyvale Howl'oween Pet Parade will take place on October 26, 2008.

James Tuleya, a Sunnyvale resident, commended City staff and Council, on behalf of the Sierra Club and Sunnyvale Cool Cities, for the progress in making Sunnyvale a more sustainable City.

CONSENT CALENDAR

Vice Mayor Hamilton moved and Councilmember Howe seconded to approve the Consent Calendar.

VOTE: 7-0

- 1.A. MOTION Approval of Draft Minutes of August 19, 2008**
- 1.B. MOTION Approval of Draft Minutes of September 9, 2008**
- 1.C. MOTION Approval of Information/Action Items – Council Directions to Staff**

Fiscal Items

- 1.D. RTC 08–272 List of Claims and Bills Approved for Payment by the City Manager – List No. 418**

Staff Recommendation: Council reviews the attached lists of bills.

- 1.E. RTC 08–267 Council Approval to Apply for, Accept and Appropriate a Grant in the Amount of \$636,966 from the Federal Safe Routes to School Program in order to Design and Implement School Traffic Safety Devices Citywide and Approval of Budget Modification No. 7**

Staff Recommendation: Council authorizes staff to apply for Federal Safe Routes to School grant fund in the amount \$636,966 for: (1) Establishment of in-road lighted crosswalk systems at five school crossing locations; (2) Addition of pedestrian countdown signals at 16 signalized intersections located along school routes; (3) Widening some sections of a sidewalk abutting to a school site where utility poles reduce the available width to less than the ADA requirement of four feet; (4) Reduction of corner radii and installation of ADA compliant curb ramps at some corners of 10 intersections; (5) Construction of bulbouts at four intersection corners; and, (6) Enhancement of signing and pavement markings at numerous locations along school routes throughout Sunnyvale. If awarded, authorize acceptance of the grant and approve Budget Modification No. 7 to appropriate funds for the design and installation of the aforementioned devices.

- 1.F. RTC 08–268 Acceptance of Donation from Maxim Integrated Products of Traffic Signal Equipment, Installation Services, and Public Right of Way Improvements**

Staff Recommendation: Council accepts the donation of traffic control equipment, installation services, and sidewalk and crosswalk facilities from Maxim Integrated Products in the estimated amount of \$58,450.

STAFF RESPONSES TO PRIOR PUBLIC COMMENTS

None.

PUBLIC COMMENTS

City Clerk Gail Borkowski advised Council that the speaker lights are not working properly.

Nancy Silva clarified that she does not have an attorney and wished to clear up some doubts and issues that surfaced last time she addressed Council. Silva stated she bought her land in 1986 and has never had any flooding issues until Classic Communities began developing Sunnyvale Manor, at which time the flooding problems started immediately. Silva added that once Classic Communities removed the drains from the properties behind her, the water could not be stopped from coming her way. Silva urged Council to revisit this issue because the only alternatives offered to her involve installing a sump pump, which would obliterate her backyard by the trenching that would be needed.

Jan Boehm addressed concerns about the Mary Avenue extension and requested conversion of the residential street from four to three lanes, one of which would be a middle turning lane. Boehm stated this would speed up through traffic and would provide greater safety.

Gil Tarabanovic stated that he has not heard anything from staff about the fence that was built on City property and was supposed to be removed. Director of Community Development Hanson Hom responded that a weekly report update was prepared for Council advising that the house is now in foreclosure and the property owner does not have the funds to address the fence correction. The property owner is being fined weekly by Neighborhood Preservation. Staff is exploring other remedies to deal with this situation.

Tarabanovic requested to have a written copy of how the City handles properties in foreclosure and asked if abatement measures would be taken, or if liens would be placed on property.

Vice Mayor Hamilton explained to Tarabanovic that a policy exists and staff is trying to implement the policy.

Councilmember Howe stated that staff is working with the city attorney to see if the fines can be paid even through the foreclosure process. No abatement measures will be taken until the foreclosure issue is solved.

Mayor Spitaleri suggested Tarabanovic contact the director of community development for more information.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 08–265 Council Position on League of California Cities' 2008 Annual Resolutions

Intergovernmental Relations Officer, Yvette Agredano, presented the staff report.

Councilmember Swegles advised that he will serve on the resolutions committee and is pleased to see that the City is supporting all four of the resolutions that are coming forward.

Public hearing opened at 7:30 p.m.

There were no speakers.

Public hearing closed at 7:30 p.m.

MOTION: Councilmember Swegles moved and Councilmember Lee seconded to approve Alternative 1: Council approves the resolution positions as recommended by staff:
Resolution #1 – League of California Cities Bylaws Amendments – Support
Resolution #2 – 2-1-1 California Telephone Service – Support
Resolution #3 – Supporting the Extension of the Federal Section 45 Production Tax Credit – Support
Resolution #4 – Comprehensive Statewide Water Infrastructure Plan - Support

VOTE: 7-0

NON-AGENDA ITEMS & COMMENTS

COUNCIL: Vice Mayor Hamilton sponsored a study issue to have staff investigate whether a “Ciclovía” type community celebration could be held in Sunnyvale and requested that Council receive information on cost estimates and potential streets that would be closed, if such a celebration were to be held.

MOTION: Councilmember Whittum moved to have staff provide the Campaign Financing Subcommittee an Information Only Report item on the next agenda.

MOTION DIED for lack of a second.

Councilmember Whittum explained that he wants to discuss the campaign financing document and make it available to the public; however, delivering this document on Thursday for discussion the following Tuesday is too short an amount of time. City Attorney David Kahn stated it would not violate the Brown Act to share the report with additional members of the Council. City Manager Amy Chan confirmed that the report will be posted as an early report on September 23, two weeks prior to the study session scheduled for October 7.

Councilmember Moylan clarified that the subcommittee report did not make recommendations on controversial points and it will be brought forward to Council in a study session for additional discussion. Councilmember Moylan stated Council can then decide if they want to bring this issue to a public hearing or not, and consider other options.

STAFF: None.

INFORMATION ONLY REPORTS/ITEMS

- Tentative Council Meeting Agenda Calendar
- Draft Minutes of Arts Commission Meeting of August 20, 2008

- Study Session Summary Notes from September 9, 2008 – Update on Downtown Capital Improvements Projects
- Study Session Summary, Parks of the Future Study, of September 9, 2008

ADJOURNMENT

Mayor Spitaleri adjourned the Council meeting at 7:36 p.m. to two special Council meetings, closed sessions:

- Potential Threat to Public Services of Facilities: Consultation with Sunnyvale Department of Public Safety, Director of Public Safety, Deputy Chief of Patrol Services, Deputy Chief of Special Operations and Special Operations Captain, Pursuant to Government Code Section 54957; and
- Closed Session pursuant to Government Code Section 54957 – Public Employee Appointment. Title: City Manager.

Mayor Spitaleri advised Eric Fulda that the meeting has been adjourned and his announcement would not be part of the public record.

City Clerk

Date